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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,346	10/31/2003	Kari Systs	915-005.079	9664
4955 7590 06/18/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER WORJLOH, JALATEE	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,346	<b>Applicant(s)</b> SYSTA ET AL.	
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☒ Claim(s) 1, 11, 19, 29, 31, 33 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-43 have been examined.

#### ***Claim Objections***

2. Claims 1, 11, 19, 29, 31, 33 and 41 are objected to because of the following informalities:  
no preamble. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7- 20, 22-33, 35, 36, 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication NO. 2003/0018582 to Yaacovi.

Referring to claim 1, Yaacovi discloses a package containing at least one media object by an electronic device, the package further comprising information indicative of the conditions (i.e. terms) in which the distribution of the package is allowed, wherein before the package is distributed by the electronic device an examination is performed to examine said information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the package is allowed or not (see paragraph [0008] & abstract).

Referring to claim 2, Yaacovi discloses the method wherein before the examination a check is performed to verify the integrity of the information indicative of conditions in which the

Art Unit: 3621

distribution of the package is allowed, and if the conditions in which the distribution of the package is allowed, and if the verification of the integrity of the package fails, the distribution is prohibited (see claims 2 and 14).

Referring to claim 3, Yaacovi discloses the method wherein said package is distributed to another electronic device (see paragraph [0010] – the first user transmits a copy of the content package to a second user).

Referring to claims 4 and 5, Yaacovi discloses the method wherein said information indicative of the conditions in which the distribution of the package is allowed and the at least one media object are stored in the same file or in different files (see paragraph [0008] – a license is associated with the protected content package by including the license the package itself or associating a separate license file with the package).

Referring to claim 7, Yaacovi discloses the method wherein a software is executed in electronic device for controlling the and handling of the package and the modification of the package is prevented by said software (see paragraph [0024] & abstract – software may be used for encrypting the package, which controls handling and prevents modification of the package).

Referring to claim 8, Yaacovi discloses the method of storing at least one package into a memory of the electronic device, selecting a package from the memory for distribution to the other electronic device, verifying the integrity of the package, examining said information indicative of conditions in which the distribution of the package is allowed or is not allowed to determine if the package can be transmitted or not and on the basis of said examining either transmitting the selected package to the other electronic device, if it is determined that the

Art Unit: 3621

transmission is allowed, or not transmitting the selected package to the other electronic device, if it is determined that the transmission is not allowed (see claim 1 above).

Referring to claim 9, Yaacovi discloses the method wherein said information indicative of condition in which the distribution of the package is allowed or is not allowed comprising at least one detail of the other electronic device, wherein the electronic device communicating with the other device exchanges information on said at least one detail of the other device for determining whether the distribution is allowed or not (see paragraph [0041]).

Referring to claim 10, Yaacovi discloses the method wherein information indicative of conditions in which the distribution of the package is allowed comprising information about the cost of the package and the payment method (see abstract).

Claims 11-15 teach a system that performs the steps of method claims 1-5, respectively; therefore, these claims are rejected on the same rationale as claims 1-5 above.

Claims 16-18 teach a system that performs the steps of method claims 8-10, respectively; therefore, these claims are rejected on the same rationale as claims 8-10 above.

Claims 19 and 20 teach an electronic device that performs the steps of method claims 1 and 2, respectively; therefore, these claims are rejected on the same rationale as claims 1 and 2 above.

Claims 22 and 23 teach an electronic device that performs the steps of method claims 4 and 5, respectively; therefore, these claims are rejected on the same rationale as claims 22 and 23 above.

Referring to claim 24, Yaacovi discloses means for preventing modifying the package (see paragraph [0008]).

Art Unit: 3621

Referring to claims 25 and 26, Yaacovi discloses a memory for storing at least one package, means for selecting a package from the memory for distribution to another electronic device, means for verifying the integrity of the package, means for examining said information indicative of conditions in which the distribution of the package is allowed or is not allowed to determine if the package can be transmitted or not, and means for transmitting the selected package to the other electronic device, if it is determined that the transmission is allowed; said means for selecting package comprising means for indicating to a user of the electronic device information on packages for which distribution is allowed (see claim 19 above).

Claims 9 and 28 teach an electronic device that performs the steps of claims 9 and 10 above; therefore, these claims are rejected on the same rationale as claims 9 and 10.

Claims 29 and 30 teach a mobile device that performs the steps of claims 1 and 2 above; therefore, these claims are rejected on the same rationale as claims 1 and 2.

Claim 31 is a computer program product comprising executable steps for performing the method of claim 1 above; therefore, this claim is rejected on the same rationale as claim 1 above.

Claim 32 is a computer program product comprising executable steps for performing the method of claim 8 above; therefore this claim is rejected on the same rationale as claim 8 above.

Claim 33 is rejected on the same rationale as claim 1 above.

Claim 35 is rejected on the same rationale as claim 4 above.

Claim 36 is rejected on the same rationale as claim 5 above.

Referring to claim 40, Yaacovi discloses a packaging comprising at least one of the following date, time of day, identity of the electronic device, identity of the other electronic device, manufacturer of the electronic device, manufacturer of the other electronic device, model

or version of the electronic device, model or version of the other electronic device, manufacturer of the package, user subscription information, at least other detail of the other electronic device (see paragraph [0041] & fig. 3).

Claim 41 is a business method for distributing a package containing at least one media object to an electronic device, the method comprising including information indicative of the conditions in which the distribution of the package is allowed (see claim 1 above).

Claim 42 is rejected on the same rationale as claim 8 above.

Claim 43 is rejected on the same rationale as claim 10 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaacovi as applied to claim 1 above, and further in view of US Patent No. 7127431 to Kambayashi et al. ("Kambayashi").

Referring to claim 6, Yaacovi discloses the package with conditions (see claim 1 above). Yaacovi does not expressly disclose information indicative of the conditions in which the distribution of the package allowed is protected by a digital signature. Kambayashi disclose protecting the license with a digital signature (see Fig. 6, fig. 15 and col. 10, lines 30 – 54). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the method disclose by Yaacovi to protect the package with a digital signature. One of

Art Unit: 3621

ordinary skill in the art would have been motivated to do this because it provides additional security and prevents unauthorized individuals from accessing the content.

Claims 34 and 37 are rejected on the same rationale as claim 6 above.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yaacovi as applied to claim 20 above, and further in view of U.S. Patent No. 5943423 to Muftic.

Yaacovi discloses the package with information indicative of the conditions in which the distribution of the package is allowed, this package is encrypted (see claim 20 above). Yaacovi does not expressly disclose the package is protected by a digital signature calculated on the basis of information of the package, wherein the means for verifying the integrity of the package comprise means for calculating a digital signature on the basis of information of the package and for comparing said digital signature of the package with said calculated digital signature to verify the integrity of the package. Muftic discloses a package is protected by a digital signature calculated on the basis of information of the package and calculating a digital signature on the basis of information of the package and for comparing said digital signature of the package with said calculated digital signature to verify the integrity of the package (see col. 16, lines 2-15). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the device disclose by Yaacovi to include a package is protected by a digital signature calculated on the basis of information of the package and calculating a digital signature on the basis of information of the package and for comparing said digital signature of the package with said calculated digital signature to verify the integrity of the package. One of ordinary skill in the art would have been motivated to do this because it provides additional security and prevents unauthorized individuals from accessing the content.



Art Unit: 3621

8. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaacovi as applied to claim 33 above, and further in view of US Publication No. 2002/0069263 to Sears et al. ("Sears").


Yaacovi discloses a package (see claim 33 above). Yaacovi does not expressly disclose the package is a Java archive or application descriptor. Sears discloses a package that is a Java archive and application descriptor (see paragraph [0036] – the package comprising a Java archive and application descriptor). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the package disclose by Yaacovi to include a Java archive and application descriptor. One of ordinary skill in the art would have been motivated to do this because it permits application manifest information and descriptor information to be stored in a database for subsequent indexing. Application descriptor information may be used by search engines looking for applications with particular name, provider, size, capabilities and/or functionality (see paragraph [0036]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jalatee Worjloh  
Primary Examiner  
Art Unit 3621

May 31, 2007